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# PROCUREMENT AUDIT AND CERTIFICATION

DEPARTMENT OF CORRECTIONS

AGENCY

JANUARY 1, 1988 - SEPTEMBER 30, 1988

DATE



STATE OF SOUTH CAROLINA  
**BUDGET AND CONTROL BOARD**  
DIVISION OF GENERAL SERVICES  
1201 MAIN STREET, SUITE 600  
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ROBERT N. McLELLAN  
CHAIRMAN,  
HOUSE WAYS AND MEANS COMMITTEE

JESSE A. COLES, JR., Ph.D.  
EXECUTIVE DIRECTOR

March 14, 1989

Mr. Richard W. Kelly  
Division Director  
Division of General Services  
1201 Main Street, Suite 400  
Columbia, South Carolina 29201

Dear Rick:

Attached is the final South Carolina Department of Corrections audit report and recommendations made by the Office of Audit and Certification. I concur and recommend the Budget and Control Board grant the Department a two (2) year certification as outlined in the audit report.

Sincerely,

James J. Forth, Jr.  
Assistant Division Director

**Attachment**

**MATERIALS MANAGEMENT OFFICE**

State Supply & Surplus Property Management  
Surplus Property  
Boston Avenue  
W. Cola., S.C. 29169  
739-5490

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1942 Laurel Street  
Cola., S.C. 29201  
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Training & Research  
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State Procurements &  
Information Technology Management Office  
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SOUTH CAROLINA DEPARTMENT OF CORRECTIONS

AUDIT REPORT

JANUARY 1, 1988 - SEPTEMBER 30, 1988

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EXECUTIVE DIRECTOR

Mr. James J. Forth, Jr.  
Assistant Division Director  
Division of General Services  
1201 Main Street, Suite 600  
Columbia, South Carolina 29201

We have examined the procurement policies and procedures of the Department of Corrections for the period January 1, 1988 through September 30, 1988. As a part of our examination, we made a study and evaluation of the system of internal control over procurement transactions to the extent we considered necessary.

The purpose of such evaluation was to establish a basis for reliance upon the system of internal control to assure adherence to the Consolidated Procurement Code and State and Department procurement policy. Additionally, the evaluation was used in determining the nature, timing and extent of other auditing procedures that were necessary for developing an opinion on the adequacy, efficiency and effectiveness of the procurement system.

The administration of the Department of Corrections is responsible for establishing and maintaining a system of internal control over procurement transactions. In fulfilling

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this responsibility, estimates and judgements by management are required to assess the expected benefits and related costs of control procedures. The objectives of a system are to provide management with reasonable, but not absolute, assurance of the integrity of the procurement process, that affected assets are safeguarded against loss from unauthorized use or disposition and that transactions are executed in accordance with management's authorization and are recorded properly.

Because of inherent limitations in any system of internal control, errors or irregularities may occur and not be detected. Also, projection of any evaluation of the system to future periods is subject to the risk that procedures may become inadequate because of changes in conditions, or that the degree of compliance with the procedures may deteriorate.

Our study and evaluation of the system of internal control over procurement transactions as well as our overall examination of procurement policies and procedures were conducted with due professional care. They would not, however, because of the nature of audit testing, necessarily disclose all weaknesses in the system.

The examination did, however, disclose conditions enumerated in this report which we believe to be subject to correction or improvement.

Corrective action based on the recommendations described in these findings will in all material respects place the Department of Corrections in compliance with the South Carolina Consolidated Procurement Code and ensuing regulations.

*R. Voight Shealy*

R. Voight Shealy, Manager  
Audit and Certification

## INTRODUCTION

The Office of Audit and Certification conducted an examination of the internal procurement operating procedures and policies of the Department of Corrections. Our on-site review was conducted October 31, 1988 through December 6, 1988 and was made under authority as described in Section 11-35-1230(1) of the South Carolina Consolidated Procurement Code and Section 19-445.2020 of the accompanying regulations.

The examination was directed principally to determine whether, in all material respects, that the procurement system's internal controls were adequate and the procurement procedures, as outlined in the Internal Procurement Operating Procedures Manual, were in compliance with the South Carolina Consolidated Procurement Code and its ensuing regulations.

Additionally, our work was directed toward assisting the Department in promoting the underlying purposes and policies of the Consolidated Procurement Code as outlined in Section 11-35-20, which include:

- (1) to ensure the fair and equitable treatment of all persons who deal with the procurement system of this State;
- (2) to provide increased economy in state procurement activities and to maximize to the fullest extent practicable the purchasing values of funds of the State;
- (3) to provide safeguards for the maintenance of a procurement system of quality and integrity with clearly defined rules for ethical behavior on the part of all person engaged in the public procurement process.



## BACKGROUND

Section 11-35-1210 of the South Carolina Consolidated Procurement Code states:

The (Budget and Control) Board may assign differential dollar limits below which individual governmental bodies may make direct procurements not under term contracts. The Division of General Services shall review the respective governmental body's internal procurement operation, shall verify in writing that it is consistent with the provisions of this code and the ensuing regulations, and recommend to the Board those dollar limits for the respective governmental body's procurement not under term contract.

On March 22, 1988, the Budget and Control Board granted the Department of Corrections procurement certification as follows:

<u>Procurement Area</u>	<u>Amount</u>
1. Goods and Services	\$10,000 per commitment
2. Construction Services	\$25,000 per commitment

This audit was conducted principally to determine if recertification is warranted. Additionally, the Department has requested that its certification be increased to the following limits:

<u>Procurement Area</u>	<u>Amount</u>
1. Goods and Services	\$50,000 per commitment
2. Construction Services	\$25,000 per commitment

## SCOPE

Our examination encompassed a detailed analysis of the internal procurement operating procedures of the Department of Corrections and the related policies and procedures manual to the extent we deemed necessary to formulate an opinion on the adequacy of the system to properly handle procurement transactions.

The Office of Audit and Certification selected samples for the period January 1, 1988 - September 30, 1988, for compliance testing and performed other audit procedures that we considered necessary in the circumstances to formulate this opinion. Our review of the system included, but was not limited to, the following areas:

- (1) adherence to provisions of the South Carolina Consolidated Procurement Code and accompanying regulations;
- (2) procurement staff and training;
- (3) adequate audit trails and purchase order registers;
- (4) evidences of competition;
- (5) small purchase provisions and purchase order confirmations;
- (6) emergency and sole source procurements;
- (7) source selections;
- (8) file documentation of procurements;
- (9) inventory and disposition of surplus property;
- (10) economy and efficiency of the procurement process, and,
- (11) approval of Minority Business Enterprise Plan.

## SUMMARY OF AUDIT FINDINGS

Our audit of the procurement system of the Department of Corrections (the Department) produced findings and recommendations in the following areas:

### PAGE

#### I. Compliance - Sole Source and Emergency Procurements

##### A. Inappropriate Sole Source Procurement 10

One procurement did not meet the criteria for a sole source.

##### B. Unauthorized Sole Source Procurements 11

Six sole source procurements were unauthorized either because the determinations were prepared after the procurements were made or the determinations were signed by personnel who did not have the authority to do so.

##### C. State Engineers Approval Not Obtained 12

The Manual for Planning and Execution of State Permanent Improvements requires that sole source procurements made toward the completion of permanent improvement projects be acknowledged by the State Engineer and that emergency procurements be approved by the State Engineer. In fifteen cases, acknowledgments were not obtained for sole source procurements. In one case, approval was not obtained for an emergency procurement.



D. Delegated Sole Source Authority 13

Section 11-35-1560 of the Consolidated Procurement Code requires that sole source procurements be approved at a level above the procurement officer. However, the Department has delegated this authority to a level below the procurement officer.

II. Compliance - Goods and Services

A. Procurement Authority Exceeded 14

The Department awarded a contract for pest control services in excess of its procurement authority.

B. Blanket Purchase Agreements 15

In all three cases, procurements greater than \$500 were made against blanket purchase agreements without soliciting competition.

III. Compliance - Construction

16

Several bid documents and approvals from the State Engineer for a major construction contract and two architect/engineer contracts were not available for our review. The Department has not informed the State Engineer of three procurements on permanent improvement projects.

IV. Compliance - Division of Industries

18

Procurements of raw materials for the Division of Industries are exempt from the Consolidated Procurement Code. However, five procurements for items other than raw materials have been made without competition.

## RESULTS OF EXAMINATION

### I. Compliance - Sole Source and Emergency Procurements

We examined the quarterly reports of sole source and emergency procurements and all available supporting documents for the period January 1, 1988 through September 30, 1988 for the purpose of determining the appropriateness of the procurement actions taken and the accuracy of the reports submitted to the Division of General Services as required by Section 11-35-2440 of the Consolidated Procurement Code. We found the majority of these transactions to be proper and accurately reported, but we did note the following types of exceptions.

#### A. Inappropriate Sole Source Procurement

The Department reported purchase order 01-57930 for \$1,790.75 for counseling services for physically and/or sexually abused female offenders. The procurement did not meet the criteria for a sole source as defined in Regulation 19-445.2105 which states "Sole source procurement is not permissible unless there is only a single supplier... In cases of reasonable doubt, competition should be solicited."

We recommend that competition be solicited when there is reason to believe that a service may be available from more than one source.

## DEPARTMENT RESPONSE

We have bid this service twice since the issuance of this purchase order and in both cases, Sister Care Inc. offered the lowest bid. There were two other respondents.



## B. Unauthorized Sole Source Procurements

Section 11-35-1560 of the Procurement Code indicates that a procurement may be made as a sole source if it is determined in writing by a chief procurement officer, a head of a government body or a designee above the level of the purchasing officer that there is only a single source for the needed supplies or services. The determinations must be approved by one of these officials in advance of a commitment being made.

The following sole source procurements were unauthorized because the required determinations were prepared after the procurements had been made.

<u>P.O.</u>	<u>P.O. Date</u>	<u>Justification Date</u>	<u>Amount</u>	<u>Description</u>
1. H-82694	2/04/88	2/11/88	\$4,685.82	Equipment
2. 01-57579	1/28/88	2/01/88	1,800.00	Equipment
3. 01-57580	1/28/88	2/01/88	657.50	Equipment
4. 01-58289	2/19/88	2/24/88	4,774.00	Supplies
5. H-87889	7/05/88	7/11/88	5,604.00	Supplies

Additionally, purchase order H-87701 for \$1,465.50 was unauthorized because the individual who approved the sole source determination did not have the authority to do so.

Regulation 19-445.2015 requires that ratification be requested for each unauthorized procurement. Items 2, 3 and 5 above were within the Department's procurement certification so ratification must be requested from its Commissioner. Items 1 and 4 exceeded the Department's procurement authority so ratification must be requested from the State Materials Management Officer.

DEPARTMENT RESPONSE

- A. Purchase order H-82694 for \$4,685.82 to Senstar Corp. and 0100058289 for \$4,774.00 to Network Orange have been submitted to Mr. James Forth for ratification.
- B. Purchase orders: 0100057579 for \$1,800.00 to Britton Medical  
0100057580 for \$ 657.50 to Britton Medical  
H00087889 for \$5,604.00 to Bio Clinical  
Systems  
H00087701 for \$1,465.50 to Dial Page

These purchase orders have been ratified by me.

C. State Engineer's Approval Not Obtained

The Manual for Planning and Execution of State Permanent Improvements requires that sole source procurements made toward the completion of permanent improvement projects (PIP's) be submitted to the State Engineer for acknowledgement and emergency procurements be submitted to the State Engineer for approval. The Department did not receive the State Engineer's acknowledgement for the following sole source procurements. As we understand it, there was a miscommunication between two sections of the Department as to which one would submit these procurements to the State Engineer's Office.

<u>P.O.</u>	<u>Amount</u>	<u>PIP</u>
01-57579	\$ 1,800.00	9069
01-57681	3,968.00	9069
01-58046	1,585.33	9089
01-58109	6,588.00	9069
01-58289	4,774.00	9069
01-59338	3,150.00	7125
H-82694	4,685.82	7758
H-87211	4,185.00	9069

01-61034	3,614.00	9070
H-88100	75,100.00	9075
01-65644	3,344.00	9070
01-65645	3,344.00	9071
01-65950	5,475.00	9090
01-54588	35,345.00	9089
01-56558	21,591.00	9089

Additionally, the Department did not receive the State Engineer's approval for an emergency procurement of plumbing supplies totalling \$69,538.20. (P.O. H-82860)

We recommend that the Department submit all future sole source and emergency procurements made toward the completion of permanent improvement projects to the State Engineer's Office for approval or acknowledgment.

#### DEPARTMENT RESPONSE

We have established new policies and procedures to correct errors such as these from recurring.

#### D. Delegated Sole Source Authority

The authority to approve sole source procurements was delegated to the Deputy Commissioner of Administration. On December 1, 1987 this authority was delegated by the Deputy Commissioner of Administration to the Administrative Service Manager.

Section 11-35-1560 of the Consolidated Procurement Code requires that a sole source procurement be approved by a chief procurement officer, the head of a governmental body or a designee of either office, above the level of the procurement officer.



The delegation to the Administrative Service Manager was inappropriate. We recommend that it be rescinded.

#### DEPARTMENT RESPONSE

The delegation of authority to sign sole source by the Administration Service Manager has been rescinded. All sole sources will be signed by Dr. Clements or the Commissioner.

#### II. Compliance - Goods and Services

Our examination of procurements in the goods and services area included, but was not limited to, a review of fifty-four randomly selected procurements, blanket purchase agreements, and fourteen formal invitations for bids. The following types of exceptions were noted:

##### A. Procurement Authority Exceeded

The Department awarded a contract for pest control services for \$6,108 for one year pursuant to invitation for bid number 793-18683-6/1/88. This award exceeded the Department's procurement authority of \$10,000 because the contract contained an option to extend clause making the total potential award \$12,216.

Since this procurement was in excess of the Department's procurement authority it is unauthorized, ratification must be requested from the State Materials Management Officer in accordance with regulation 19-445.2015,

Additionally, the Department failed to prepare a multi-term determination to support the award of a multi-year contract. Such determination is required by Section 11-35-2030 of the Procurement Code to support the use of a multi-term contract.

### DEPARTMENT RESPONSE

Corrective action has been taken not to advertise for bids which exceed our certification. Should we receive a bid over our certification, we will submit to Central State Purchasing for approval or rebid.

#### B. Blanket Purchase Agreements

The Department has made procurements greater than \$500 against blanket purchase agreements without competition. It incorrectly applied the \$500 amount, the threshold at which competition is required, to a line single item instead of a single purchase. The procurement manual for the Department states, "...As a rule, no single item purchase greater than \$500 should be made by this method, i.e. blanket purchase agreement. However, if a single line item in excess of \$500 is shown on the blanket purchase agreement, competition must be solicited for that line item in accordance with the State Consolidated Procurement Code."

The following purchase orders were issued for procurements greater than \$500 without evidence of competition:

<u>P.O.</u>	<u>Amount</u>	<u>Description</u>
H-90100	\$ 966.00	Two invoices \$371 and \$595
H-84804	1,451.92	Two invoices \$744.12 and \$707.80

Additionally, purchase order H87784 was issued for \$2,232.98 based on a single procurement transaction that contained six line items with two of the line items being \$722.00 and \$1,297.80. Solicitations for competition were not made on these two line items even though the procurement manual specifically stated that competition was required when a single line item exceeded \$500.

We recommend that the blanket purchase agreement procedures be changed to address compliance to the Procurement Code and Regulations on the total amount of the procurements, not the amount per the individual line item.

#### DEPARTMENT RESPONSE

The misunderstanding of the competition requirement on blanket purchase agreements has been corrected. We have instructed every procurement officer on the correct method of administering blanket purchase agreements to comply with the Procurement Code and Regulations.

#### III. Compliance - Construction

Our review of procurements of major construction and architect/engineer services disclosed that the majority of activity was handled properly. However, the following exceptions were noted.

The bid bond with the power of attorney, bid form of the low bidder, listing of subcontractors of the low bidder, and approval of the State Engineer to execute a contract via the SE-380 process associated with purchase order H-85030 were not available for our review.

Additionally, the following documents on an architect/engineer contract per purchase order H-83290 were not available.

<u>Form</u>	<u>Description</u>
SE-210	Invitation for Professional Services
SE-220	A & E Selection Approval Request
254	Architect/Engineer and Related Services Questionnaire



Architect/Engineer and Related Services  
Questionnaire for Specific Project

Additionally, on purchase order H-89076 for an architect/engineer, the Department could not furnish the written results of the evaluation committee showing the ranking of the five most qualified firms and the written notification of this ranking to each vendor that responded to the invitation.

Further, the Department has not informed the State Engineer via the SE-520 process of the following procurements for permanent improvement projects (PIP).

<u>P.O.</u>	<u>Amount</u>	<u>PIP</u>
01-58058	\$55,715.00	9069
01-60840	2,181.27	9090
H-85668	3,730.00	9338

Each of these approvals is required by either the Consolidated Procurement Code and/or the Manual for planning and Execution of State Permanent Improvements.

We recommend that procedures be implemented to assure that procurement documents are retained to support the procurement actions taken. Procedures also need to be established to adequately summarize permanent improvement project procurement activity and report it, as required, to the State Engineer.

DEPARTMENT RESPONSE

Procedural changes have been made in Construction which will ensure all documents required for A&E Contracts, solicitation and PIP's are secured and kept with their proper file.

#### IV. Compliance - Division of Industries

Our examination at the Department included a review of the Division of Industries purchasing department, its policies and procedures and a sample of procurement transactions randomly selected from the period January 1, 1988 through September 30, 1988. The purchase of raw materials for use in the thirteen plants operated by the Division of Industries is exempt from the requirements of the Code. However, all other procurements made by the Division of Industries must be handled according to the Code. We found the following procurements for non-exempt items that were not made in compliance with the Code.

	<u>P.O.</u>	<u>Amount</u>	<u>Description</u>
1.	14133	\$ 598.84	Pump motor
2.	14860	842.05	Truck repair
3.	15025	1,415.72	Gear reducer
4.	16241	1,770.00	Binders
5.	14781	1,719.28	Machine repair parts

We recommend that only raw materials purchased for the Division of Industries be considered exempt.

#### DEPARTMENT RESPONSE

Corrective action will be taken by Prison Industries Purchasing to ensure competitive prices are obtained on all procurements which require competitive prices according to the Procurement Code. Only raw materials and items which are consumed in production (i.e. sanding belts, drill bits, punches, and special paper towels to wipe license plates) will be exempt. Purchase orders cited have been ratified.

### CERTIFICATION RECOMMENDATIONS

As enumerated in our transmittal letter, corrective action based on the recommendations described in the findings in the body of this report, we believe, will in all material respects place the Department of Corrections in compliance with the South Carolina Consolidated Procurement Code and ensuing regulations.

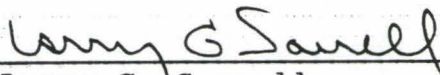
Prior to February 28, 1989 the Office of Audit and Certification will perform a follow-up review to determine if the proposed corrective action has been taken. Subject to this corrective action, we will recommend that the Department of Corrections be certified to make procurements directly up to the following limits for a period of two (2) years.

<u>Procurement Area</u>	<u>Recommended Certification Limit</u>
Goods and Services	* \$25,000 per purchase commitment
Construction Services	* \$25,000 per purchase commitment
*Total commitment whether single year or multi-term contracts are used.	

Based on statistics drawn from the Department's procurement files, a certification of \$50,000 should add approximately one hundred thirty procurements annually to the workload of the Purchasing Branch. A request is being made to the General Assembly for additional positions for the Purchasing Branch. However, it is unknown at this time whether the request will be approved or not. At the current staffing level, we do not believe the Purchasing Branch can handle the additional workload from a



\$50,000 certification. Thus, we recommend that the above certification limits be granted the Department of Corrections. If the additional positions are approved, we will perform an interim review to determine the Purchasing Branch's capacity and to determine compliance with the Consolidated Procurement Code. If the results of this interim review are positive, we will recommend the \$50,000 requested certification limit at that time.



Larry G. Sorrell  
Audit Manager



R. Voight Shealy, Manager  
Audit and Certification

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March 14, 1989

Mr. James J. Forth, Jr.  
Assistant Division Director  
Division of General Services  
1201 Main Street, Suite 600  
Columbia, South Carolina 29201

Dear Jim:

We have returned to the South Carolina Department of Corrections to determine the progress made toward implementing the recommendations in our audit report covering the period January 1 - September 30, 1988. During this visit, we followed up on each recommendation made in the audit report through inquiry, observation and limited testing.

We observed that the Department has made substantial progress toward correcting the problem areas found and improving the internal controls over the procurement system. With the changes made, the system's internal controls should be adequate to ensure that procurements are handled in compliance with the Consolidated Procurement Code and ensuing regulations.

We therefore, recommend that the certification limits for the Department of Corrections outlined in the audit report be granted for a period of two (2) years.

Sincerely,

R. Voight Shealy, Manager  
Audit and Certification

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